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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,117	12/15/2003	Lennart J. Brandel	7343-1	3626

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JOHNS MANVILLE
Legal Department
10100 West Ute Avenue
Littleton, CO 80127

EXAMINER

CHOI, PETER Y

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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01/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,117	Applicant(s) BRANDEL ET AL.	
	Examiner PETER Y. CHOI	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,11-15,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 12-15,19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants' submissions of December 17, 2007, are noted. Claim 21 is dependent from method claim 12, which was withdrawn in the Non-Final Rejection of August 30, 2005, section 4, and affirmed in Applicants' submissions of November 28, 2005, as an election made without traverse. Since claim 21 is dependent from a non-elected invention, the claim is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1162306 to Draxö in view of USPN 5,433,997 to Land.

Regarding claims 1, 3, 4, 6, 7, and 11, Draxö teaches a woven, patterned glass fiber textile fabric comprised of a glass fiber yarn with a titer of from about 30 to 75 tex as the warp, and a glass fiber yarn having a titer ranging from 190 to 350 tex as the weft, wherein the warp density ranges from 2.5 to 5 threads/cm and the weft density ranges from 2.0 to 12 threads/cm, wherein each glass fiber yarn used as the warp and/or weft is a sliver or a texturized yarn (see entire document including paragraphs 0001-0022, 0031-0033, 0039).

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Regarding claims 1, 3, 4, 6, 7, and 11, Draxö does not appear to teach that the woven, patterned glass fiber textile fabric is formed from a Jacquard weaving process using a Jacquard loom. Since Draxö is silent as to the specific weaving process, it would have been necessary and therefore obvious to look to the prior art for conventional weaving processes. Land provides this conventional teaching, showing that it was known in the wallcovering art to form a fabric for use in wallcovering comprising textured glass woven yarns, wherein the fabric is woven into various styles including Jacquard, and woven using known looms (Land, column 1 line 7 to column 4 line 36, column 5 line 34 to column 6 line 2). It would have been obvious to one of ordinary skill in the wallcovering art at the time the invention was made to form the woven glass fiber textile fabric of Draxö, wherein the fabric is formed from the process as taught by Land, motivated by the desire of forming a conventional wallcovering with a style known in the wallcovering art to be predictably suitable for use in wallcovering, based on the desired physical properties of the fabric including style, appearance, hand, and loft. Additionally, it would have been obvious to one of ordinary skill in the wallcovering art at the time the invention was made to form the woven glass fiber textile fabric of Draxö, wherein each glass fiber yarn is texturized, as taught by Land, motivated by the desire of forming a conventional wallcovering with improvements known in the wallcovering art to be predictably suitable for use in wallcovering, such that the yarn is texturized or bulked to provide improved yarn coverage and other desirable properties such as improved hand and loft.

Regarding claims 3 and 4, the prior art teaches that the titer of the warp yarn is about 34 tex or about 70 tex (Draxö, paragraph 0017).

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Regarding claims 6 and 7, the prior art teaches that the titer of the weft yarn is about 200 tex or about 330 tex (Draxö, paragraph 0018).

Additionally, the warp and weft densities and the titer of the glass fiber yarn in the warp and the titer of the glass fiber yarn in the weft are obvious because it would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the warp and weft densities and warp and weft titer to within the claimed ranges, as it naturally flows from the teachings of the prior art and it is understood by one of ordinary skill in the art that the densities and titer determine various physical properties of the fabric including the strength, density, porosity, and appearance of the fabric, and because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding claim 11, the prior art teaches that the textile is impregnated with a chemical formulation comprised of a starch binder and a polymeric binder (Draxö, paragraphs 00001-0022, 0031-0033, 0039).

Response to Arguments

4. Applicants' arguments with respect to claims 1, 3, 4, 6, 7, and 11 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER Y. CHOI whose telephone number is (571)272-6730.

The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter Y Choi /PYC/
Examiner, Art Unit 1794

/Andrew T Piziali/
Primary Examiner, Art Unit 1794